

REMARKS

Claims 10, 13, and 17-19 stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of U.S. Patent 6,716,061 to Pitschi et al. in view of U.S. Patent No. 6,447,616 to Cote et al. In response to this rejection, claim 10 has been amended to include limitations from claim 17 and claim 17 has been cancelled. After the foregoing amendments claims 10, 13, 18 and 19 are pending in the application.

In the Office Action, the Examiner admits that the Pitschi et al. patent does not disclose a coaxial electrical connector made of bronze comprised of copper-tin-zinc-lead. The Examiner goes on to allege that the Cote et al. patent discloses such an alloy and that to make the bronze element 15 of the Pitschi et al. patent from this alloy would have been obvious for good strength and conductivity. Reconsideration is requested.

The Pitschi et al. patent is directed to a coaxial connector. In contrast, the Cote et al. patent is directed to a method for treating brass. Column 1, lines 9-17 of the Cote et al. patent read as follows:

Brass has been widely used for plumbing fittings, waterworks valves and fittings, bronze alloys and a host of other applications. Perhaps the most widespread application of brass is its use in the manufacture of faucets, valves, fittings, water meters, and related products intended for use in delivering potable water to and within commercial or residential sites.

In addition, column 2, lines 25-27 of the Cote et al. patent read as follows:

The present invention can be used to treat a variety of brass fixtures including faucets, valves, fittings and other brass and bronze articles.

There is no disclosure, teaching or suggestion in the Pitschi et al. and/or Cote et al. patents to combine their respective teachings, nor has the Examiner provided any reasoning, with reference to the prior art itself or to the general knowledge in the art of coaxial connectors, why one skilled in the art of coaxial connectors would look to the teachings of the Cote et al. patent for solutions to problems in the field of electrical connections.

To the contrary, as can be seen from the above-quoted sentences, the Cote et al. patent is clearly directed to brass used for plumbing fittings, waterworks valves and fittings, especially, faucets, valves, fittings, water meters, and related products intended for use in

delivering potable water to and within commercial or residential sites. However, there is no disclosure, teaching or suggestion in the Pitschi et al. and/or Cote et al. patents to combine their respective teachings to render the claims of the present application obvious.

To this end, United States Federal Courts have consistently held that the mere existence of individual elements at the time of invention does not render a patented combination of elements obvious as a matter of law.

It is settled law that “[w]hen a party claims that a combination of references renders . . . [an] invention obvious, the prior art must provide a suggestion or motivation to combine the references. . . . Absent this suggestion or motivation, the mere existence of the individual elements at the time of invention does not render a patented combination of these elements obvious as a matter of law.” Remcor Products Co. v. Scotsman Group Inc., 32 USPQ2d 1273, 1278 (N.D. Ill. 1994). The Court addressed the use of hindsight reconstruction as a basis for obviousness rejections in In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) wherein the Court stated “[i]t is impermissible to use the claimed invention as an instructional manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that ‘[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.’” Moreover, in Texas Instruments Inc. v. U.S. Intern. Trade Com’n., 988 F.2d 1165, 1178, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993), the Court stated the prior art “references in combination do not suggest the invention as a whole claimed in the ...patent. Absent such suggestion to combine the references, respondents can do no more than piece the invention together using the patented invention as a template. Such hindsight reconstruction is impermissible.”

Absent disclosing, teaching or suggesting a device having all the limitations thereof, the Pitschi et al. and Cote et al. patents, either individually or in combination, cannot render obvious claims 10, 13, 18 and 19 of the present application.

Claim 10 has been amended to recite that the cast bronze has a proportion of zinc less than 7% by weight. The prior art of record, either individually or in combination, do not disclose, teach or suggest a device having all the limitations of claim 10. Accordingly, the prior art

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of record, either individually or in combination, cannot anticipate or render obvious claim 10, or claims 13, 18 and 19 dependent therefrom.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejection and allowance of claims 10, 13, 18 and 19 are requested.

Respectfully submitted,

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